REMARKS

1.   <u>Present Status of Patent Application</u>

This is a full and timely response to the non-final Office Action mailed December 23, 2008. Claims 1-39 remain pending in the present application. Claims 1, 8, 14, 20, 27, and 33 have been amended in the present response. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

2.   <u>Telephone Interview Summary</u>

Applicant expresses his sincere appreciation for the time that Examiner Lai and his supervisor spent with Applicant's representative, Mr. Charles W. Griggers, during a telephone discussion on March 5, 2009 regarding the outstanding Office Action. During the discussion, proposed arguments were discussed regarding *Takemoto* (JP 09305500 A). Applicant's representative argued that the teachings of *Takemoto* were inadequate in remedying the deficiencies of *Wahlquist* (U.S. Patent No. 5,367,667) with respect to claim 1. At the close of the interview, a consensus was not reached regarding the merits of the arguments. Accordingly, Applicant respectfully requests the Examiner to consider the contents of present response.

3.   <u>Response to Rejections of Claims under 35 U.S.C. § 103</u>

Claims 1, 3, 10, 14, 23, 27, and 36 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Wahlquist* (U.S. Patent No. 5,367,667) in view of *Takemoto* (JP 09305500 A). Claims 2, 15, and 28 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Wahlquist* in view of *Takemoto* in view of Applicant's Admitted Prior Art ("AAPA"). Claims 11, 24, and 37 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Wahlquist* in view of *Takemoto* in view of *Postel* (RFC 959 "File Transfer Protocol") in further view of *Reynolds* (RFC 959 "File Transfer Protocol (FTP)," October 1985). Claims 4-9, 16-22, and 29-35 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Wahlquist* in view of *Takemoto* in view of *Swartz* (U.S. Patent No. 6,961,778). Claims 12-13, 25-26, and 38-39 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable

over *Wahlquist* in view of *Takemoto* in view of *Postel* in further view of *Wei* (U.S. Patent Publication No. 2002/0087642 A1).

> a. <u>Claim 1</u>

As provided in independent claim 1, Applicant claims:

> A file transfer system, comprising:
> an originating file transfer host, comprising:
> ***a script server monitoring for incoming scripts and files from remote terminals, receiving a file and a script associated with the file from at least one remote terminal, in response to receiving the file and script, interpreting the script, and transferring the script and the file, wherein the script provides a description for handling transfer of the file by the script server;***
> an originating file transfer server receiving the script and the file from the script server and transferring the file to a terminating file transfer server in accordance with the script; and
> ***an originating file transfer client communicating to the originating file transfer server for facilitating transfer of a file uploaded to the originating file transfer host, the originating file transfer client invoked by a local user logged into the originating file transfer host or invoked from a remote terminal connected and logged into the originating file transfer host, wherein the originating file transfer client enables a user to invoke the originating file transfer server to transfer the file to a terminating file transfer server, wherein in use, the originating file transfer client bypasses the script server and wherein, in use, the script server submits the received file and script to the originating file transfer server bypassing the originating file transfer client.***

(Emphasis added).

Claim 1 is patentable over *Wahlquist* in view of *Takemoto* for at least the reason that the cited art fails to teach or suggest at least "a script server monitoring for incoming scripts and files from remote terminals, receiving a file and a script associated with the file from at least one remote terminal, in response to receiving the file and script, interpreting the script, and transferring the script and the file, wherein the script provides a description for handling transfer of the file by the script server . . . and an originating file transfer client communicating to the originating file transfer server for facilitating transfer of a file uploaded to the originating file transfer host, the originating file transfer client invoked by a local user logged into the originating file transfer host or

invoked from a remote terminal connected and logged into the originating file transfer host, wherein the originating file transfer client enables a user to invoke the originating file transfer server to transfer the file to a terminating file transfer server, wherein in use, the originating file transfer client bypasses the script server and wherein, in use, the script server submits the received file and script to the originating file transfer server bypassing the originating file transfer client," as emphasized above.

Wahlquist describes a process whereby a user's computer 70 obtains a script from a help desk computer 30 that can be executed on the user's computer 70. See col. 2, lines 32-43. Alternatively, the script may be copied from the user's computer 70 to a target computer 90 where the script is executed. Specifically, Wahlquist states that "user U transfers the case and script files to the target computer 90." Col. 7, lines 35-36 (Emphasis added). After execution, results from tests specified in the script are transferred back to the help desk computer 30 from the user's computer 70. See col. 7, lines 56-63.

Further, Wahlquist discloses that its script contains instructions on what tests are to be performed at a user's computer 70 or a target computer 90, as the case may be. See col. 2, lines 22-23. Wahlquist does not disclose a type of script used in transference of a file. As such, Wahlquist does not disclose "a script server monitoring for incoming scripts and files from remote terminals, receiving a file and a script associated with the file from at least one remote terminal, in response to receiving the file and script, interpreting the script, and transferring the script and the file, wherein the script provides a description for handling transfer of the file to be followed by the script server; and an originating file transfer server receiving the script and the file from the script server and transferring the file to a terminating file transfer server in accordance with the script" or "an originating file transfer client communicating to the originating file transfer server for facilitating transfer of a file uploaded to the originating file transfer host, the originating file transfer client invoked by a local user logged into the originating file transfer host or invoked from a remote terminal connected and logged into the originating file transfer host, wherein the originating file transfer client enables a user to invoke the originating file transfer server to transfer the file to a terminating file transfer server, wherein in use, the originating file transfer client bypasses the script server and

wherein, in use, the script server submits the received file and script to the originating file transfer server bypassing the originating file transfer client," as recited in claim 1.

Takemoto apparently describes (based on a machine translation of the reference) the distribution of software by a distribution destination machine 3. The distribution destination machine follows a distribution procedure outlined in a script file. Takemoto describes that the script may describe operations performed by a machine that is distributing a file, such as investigating storage capacity of a disk unit, before the transfer is made; analyzing a transferred file to determine if the file is broken, after the transfer is made; and installing the transferred file, after the transfer is made and the file is allocated. Takemoto does not disclose a file transfer system that provides multiple interfaces for commanding a file transfer server to transfer a file, such as "a script server monitoring for incoming scripts and files from remote terminals, receiving a file and a script associated with the file from at least one remote terminal, in response to receiving the file and script, interpreting the script, and transferring the script and the file, wherein the script provides a description for handling transfer of the file by the script server . . . and an originating file transfer client communicating to the originating file transfer server for facilitating transfer of a file uploaded to the originating file transfer host, the originating file transfer client invoked by a local user logged into the originating file transfer host or invoked from a remote terminal connected and logged into the originating file transfer host, wherein the originating file transfer client enables a user to invoke the originating file transfer server to transfer the file to a terminating file transfer server, wherein in use, the originating file transfer client bypasses the script server and wherein, in use, the script server submits the received file and script to the originating file transfer server bypassing the originating file transfer client," as recited in claim 1. As a result, Takemoto does not remedy the deficiencies of Wahlquist.

Hence, claim 1 is patentable over Wahlquist in view of Takemoto, and the rejection should be withdrawn.

b. Claims 3 and 10

For at least the reasons given above, independent claim 1 is allowable over *Wahlquist* in view of *Takemoto*. Since claims 3 and 10 depend from and include the features of claim 1 and recite additional features, claims 3 and 10 are allowable as a matter of law over *Wahlquist* in view of *Takemoto*.

c. Claims 2, 4-9, and 11-13

Claims 2, 4-9, and 11-13 depend from and include the features of claim 1 and recite additional features. Further, the cited art of AAPA, *Postel*, *Reynolds*, *Swartz*, and *Wei* fails to remedy the deficiencies of *Wahlquist* and *Takemoto*. Therefore, claims 2, 4-9, and 11-13 are allowable as a matter of law over the cited art.

d. Claim 14

As provided in independent claim 14, Applicant claims:

A method of bulk file transfer, comprising:
monitoring for incoming scripts and files from remote terminals;
receiving from a remote terminal a script and at least one file associated with the script at a script server of a host, wherein the script provides a description for handling transfer of the file by the script server;
in response to receiving the script and the at least one file, communicating said at least one file to a originating file transfer server of a host;
transferring said at least one file to a terminating file transfer server in accordance with the script associated with said at least one file; and
invoking an originating file transfer client enabling a user to invoke the originating file transfer server to transfer an uploaded file at the host to the terminating file transfer server, wherein in use, the originating file transfer client bypasses the script server and wherein, in use, the script server submits the received file and script to the originating file transfer server bypassing the originating file transfer client.

(Emphasis added).

Claim 14 is patentable over *Wahlquist* in view of *Takemoto* for at least the reason that the cited art fails to teach or suggest at least "in response to receiving the script and

the at least one file, communicating said at least one file to a originating file transfer server of a host; transferring said at least one file to a terminating file transfer server in accordance with the script associated with said at least one file; and invoking an originating file transfer client enabling a user to invoke the originating file transfer server to transfer an uploaded file at the host to the terminating file transfer server, wherein in use, the originating file transfer client bypasses the script server and wherein, in use, the script server submits the received file and script to the originating file transfer server bypassing the originating file transfer client," as emphasized above.

Wahlquist describes a process whereby a user's computer 70 obtains a script from a help desk computer 30 that can be executed on the user's computer 70. *See* col. 2, lines 32-43. Alternatively, the script may be copied from the user's computer 70 to a target computer 90 where the script is executed. Specifically, *Wahlquist* states that "user U transfers the case and script files to the target computer 90." Col. 7, lines 35-36 (Emphasis added). After execution, results from tests specified in the script are transferred back to the help desk computer 30 from the user's computer 70. *See* col. 7, lines 56-63.

Further, *Wahlquist* discloses that its script contains instructions on what tests are to be performed at a user's computer 70 or a target computer 90, as the case may be. *See* col. 2, lines 22-23. *Wahlquist* does not disclose a type of script used in transference of a file. As such, *Wahlquist* does not disclose "in response to receiving the script and the at least one file, communicating said at least one file to a originating file transfer server of a host; transferring said at least one file to a terminating file transfer server in accordance with the script associated with said at least one file" or "invoking an originating file transfer client enabling a user to invoke the originating file transfer server to transfer an uploaded file at the host to the terminating file transfer server, wherein in use, the originating file transfer client bypasses the script server and wherein, in use, the script server submits the received file and script to the originating file transfer server bypassing the originating file transfer client," as recited in claim 14.

Takemoto apparently describes (based on a machine translation of the reference) the distribution of software by a distribution destination machine 3. The distribution destination machine follows a distribution procedure outlined in a script file.

Takemoto describes that the script may describe operations performed by a machine that is distributing a file, such as investigating storage capacity of a disk unit, before the transfer is made; analyzing a transferred file to determine if the file is broken, after the transfer is made; and installing the transferred file, after the transfer is made and the file is allocated. *Takemoto* does not disclose a file transfer system that provides multiple interfaces for commanding a file transfer server to transfer a file, such as "in response to receiving the script and the at least one file, communicating said at least one file to a originating file transfer server of a host; transferring said at least one file to a terminating file transfer server in accordance with the script associated with said at least one file; and invoking an originating file transfer client enabling a user to invoke the originating file transfer server to transfer an uploaded file at the host to the terminating file transfer server, wherein in use, the originating file transfer client bypasses the script server and wherein, in use, the script server submits the received file and script to the originating file transfer server bypassing the originating file transfer client," as recited in claim 14. As a result, *Takemoto* does not remedy the deficiencies of *Wahlquist*.

Hence, claim 14 is patentable over *Wahlquist* in view of *Takemoto*, and the rejection should be withdrawn.

e. Claim 23

For at least the reasons given above, independent claim 14 is allowable over the cited art. Since claim 23 depends from and includes the features of claim 14 and recites additional features, claim 23 is allowable as a matter of law over *Wahlquist* in view of *Takemoto*.

f. Claims 15-22 and 24-26

Claims 15-22 and 24-26 depend from and include the features of claim 14 and recite additional features. Further, the cited art of AAPA, *Postel*, *Reynolds*, *Swartz*, and *Wei* fails to remedy the deficiencies of *Wahlquist* and *Takemoto*. Therefore, claims 15-22 and 24-26 are allowable as a matter of law over the cited art.

g. Claim 27

As provided in independent claim 27, Applicant claims:

> A computer readable storage medium having instructions stored thereon comprising a program for bulk file transfer, the program causing a computer to perform:
>
> *receiving a script and at least one file associated with the script at a script server of a host, wherein the script provides a description for handling transfer of the file by the script server;*
>
> communicating said at least one file to a originating file transfer server of a host;
>
> *transferring said at least one file to a terminating file transfer server in accordance with the script associated with said at least one file; and*
>
> *invoking an originating file transfer client enabling a user to invoke the originating file transfer server to transfer an uploaded file at the host to the terminating file transfer server, wherein in use, the originating file transfer client bypasses the script server and wherein, in use, the script server submits the received file and script to the originating file transfer server bypassing the originating file transfer client.*

(Emphasis added).

Claim 27 is patentable over *Wahlquist* in view of *Takemoto* for at least the reason that the cited art fails to teach or suggest at least "receiving a script and at least one file associated with the script at a script server of a host, wherein the script provides a description for handling transfer of the file by the script server . . . transferring said at least one file to a terminating file transfer server in accordance with the script associated with said at least one file; and invoking an originating file transfer client enabling a user to invoke the originating file transfer server to transfer an uploaded file at the host to the terminating file transfer server, wherein in use, the originating file transfer client bypasses the script server and wherein, in use, the script server submits the received file and script to the originating file transfer server bypassing the originating file transfer client," as emphasized above.

Wahlquist describes a process whereby a user's computer 70 obtains a script from a help desk computer 30 that can be executed on the user's computer 70. *See* col. 2, lines 32-43. Alternatively, the script may be copied from the user's computer 70 to a target computer 90 where the script is executed. Specifically, *Wahlquist* states that

"user U transfers the case and script files to the target computer 90." Col. 7, lines 35-36 (Emphasis added). After execution, results from tests specified in the script are transferred back to the help desk computer 30 from the user's computer 70. *See* col. 7, lines 56-63.

Further, *Wahlquist* discloses that its script contains instructions on what tests are to be performed at a user's computer 70 or a target computer 90, as the case may be. *See* col. 2, lines 22-23. *Wahlquist* does not disclose a type of script used in transference of a file. As such, *Wahlquist* does not disclose "receiving a script and at least one file associated with the script at a script server of a host, wherein the script provides a description for handling transfer of the file by the script server . . . transferring said at least one file to a terminating file transfer server in accordance with the script associated with said at least one file; and invoking an originating file transfer client enabling a user to invoke the originating file transfer server to transfer an uploaded file at the host to the terminating file transfer server, wherein in use, the originating file transfer client bypasses the script server and wherein, in use, the script server submits the received file and script to the originating file transfer server bypassing the originating file transfer client," as recited in claim 27.

Takemoto apparently describes (based on a machine translation of the reference) the distribution of software by a distribution destination machine 3. The distribution destination machine follows a distribution procedure outlined in a script file. *Takemoto* describes that the script may describe operations performed by a machine that is distributing a file, such as investigating storage capacity of a disk unit, before the transfer is made; analyzing a transferred file to determine if the file is broken, after the transfer is made; and installing the transferred file, after the transfer is made and the file is allocated. *Takemoto* does not disclose a file transfer system that provides multiple interfaces for commanding a file transfer server to transfer a file, such as "receiving a script and at least one file associated with the script at a script server of a host, wherein the script provides a description for handling transfer of the file by the script server . . . transferring said at least one file to a terminating file transfer server in accordance with the script associated with said at least one file; and invoking an originating file transfer client enabling a user to invoke the originating file transfer server to transfer an

uploaded file at the host to the terminating file transfer server, wherein in use, the originating file transfer client bypasses the script server and wherein, in use, the script server submits the received file and script to the originating file transfer server bypassing the originating file transfer client," as recited in claim 27. As a result, *Takemoto* does not remedy the deficiencies of *Wahlquist*.

Hence, claim 27 is patentable over *Wahlquist* in view of *Takemoto*, and the rejection should be withdrawn.

h. <u>Claim 36</u>

For at least the reasons given above, independent claim 27 is allowable over the cited art. Since claim 36 depends from and includes the features of claim 27 and recites additional features, claim 36 is allowable as a matter of law over the cited art.

i. <u>Claims 28-35 and 37-39</u>

Claims 28-35 and 37-39 depend from and include the features of claim 27 and recite additional features. Further, the cited art of AAPA, *Postel*, *Reynolds*, *Swartz*, and *Wei* fails to remedy the deficiencies of *Wahlquist and Takemoto*. Therefore, claims 15-22 and 24-26 are allowable as a matter of law over the cited art.

CONCLUSION

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. In addition, Applicant reserves the right to address any comments made in the Office Action that were not specifically addressed herein. Thus, such comments should not be deemed admitted by the Applicant. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

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